

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
JUL 12 2017	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STANLEY RIMER,
Plaintiff,

v.

BRIAN SANDOVAL et al.,
Defendants.

3:17-cv-00297-RCJ-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), initially commenced this action in state court on September 16, 2016. (ECF No. 1 at 1). Plaintiff and Defendants were actively litigating this action in state court (including motions to dismiss) when Plaintiff "removed" the action to this Court. (*Id.* at 2-3).

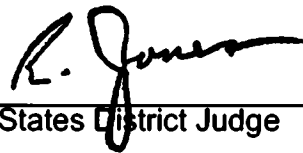
The Court dismisses this action for lack of jurisdiction. Defendants are the only parties that can remove a civil action to federal court. See 28 U.S.C. § 1441(a). Additionally, a federal district court may not decide any issue that is a *de facto* appeal from a judicial decision from a state court or any issue raised in a suit that is "inextricably intertwined" with an issue resolved by a state court in its judicial decision. *Noel v. Hall*, 341 F.3d 1148, 1158 (9th Cir. 2003). "A party disappointed by a decision of a state court may seek reversal of that decision by appealing to a higher state court." *Id.* at 1155. "A party disappointed by a decision of the highest state court in which a decision may be had may seek reversal of that decision by appealing to the United States Supreme Court." *Id.* "In neither case may the disappointed party appeal to a federal district court, even if a federal question is present or if there is diversity of citizenship between the parties." *Id.*

1 **I. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that this action is dismissed for lack of
3 jurisdiction.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
5 accordingly.

6
7 DATED: This 12 day of ^{July}~~June~~, 2017.

8 
9
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28